

**Community Academy Public Charter School (CAPCS)
1300 Allison Street, NW
Washington, DC 20011**

NOTICE: REQUEST FOR CONSTRUCTION PROJECT MANAGER

Community Academy Public Charter School (CAPCS), in accordance with section 31-2801,2853.14 of the District of Columbia Reform Act of 1995, is currently soliciting bids for a project manager to oversee the restoration and renovation of an historic Washington, DC school building to serve students in preschool through 8th grade. The three-story building, designed in the Renaissance Revival style in 1902, has a footprint of 42,700 square feet and a gross building area of approximately 110,000 square feet. The project manager will be responsible for reviewing and approving the building restoration plans; reviewing and approving a project budget; establishing a construction schedule; overseeing and monitoring the construction project; and meeting approved time and budget targets. Bids will be analyzed on total professional services, as well as for a guaranteed maximum price for the project management. Prior project management experience with references is required. Bid documents containing information including location and scope of work can be obtained by contacting David Valdez at 202-723-7236. Early bids are encouraged. **Final bids will be due on November 19, 2004.**

**Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration**

NOTICE OF PUBLIC INTEREST

The Director of the Department of Consumer and Regulatory Affairs pursuant to D.C. Law 2-144, effective March 3, 1979 – **The Historic Landmark and District Protection Act of 1978** hereby gives notice that the addresses listed below, has requested permission to alter, sub-divide or erect new structures at the following locations

Application Date	Address	Lot	Square	Use
7/23/04	1655 34 th Street, NW	0251	1290	Fence/SFD
8/3/04	1920 Belmont Rd., NW	0267	2539	Add Deck/SFD
8/6/04	2804 "P" Street, NW	0213	1259	Remold stairs/SFD
8/9/04	1243 33 rd Street, NW	0819	1219	Deck/SFD
	3256 "N" St., NW	0104	1218	Windows roof Brickwall/apts
8/10/04	1248 36 th Street, NW	0847	1223	Windows doors/ Office
8/11/04	3222 "M" Street, NW	2102	1200	Sign retail
	1424-1426 36 th Street	0134 0135	1248	Façade Dorm
8/12/04	1349 28 th Street, NW	0825	1239	Concept
	3124 "Q" Street, NW	0064	1270	Fence SFD
	1690 32 nd Street, NW	0059	1280	Concept
	3333 "M" Street, NW	0081	1205	Windows Doors/offices
	1247 Wisconsin Ave., NW	0056	1208	Add Facade
	3138 "P" Street, NW	0076	1256	Add/SFD
	1315 31 st Street, NW	0091	1233	Concept

	3106 "Q" Street, NW	0065	1270	Concept
	3134 "Q" Street, NW	0056	1270	Concept
	3206 Grace Street, NW	0121	1188	Sign Awning
	1039 Wisconsin Ave., NW	0044	1189	Paint Mural
	2770 Poplar Street, NW	0886	1260	Concept
	3023 Cambridge Pl., NW	0064	1282	Windows Doors/SFD
	2908 "N" Street, NW	0019	1211	Windows Façade/SFD
	2709 "O" St., NW	0116	1260	Windows Doors/SFD
	1689 34 th Street, NW	0260	1295	Dormers Roof/SFD
	1526 26 th Street, NW	0082	1265	Concept
	1557 33 rd Street, NW	0872	1272	A/R Carriage Retail
	2819 "P" Street, NW	0290	1267	Pool/SFD
	3009 Dumbarton St., NW	0835	1242	Concept
	3009 Dumbarton St., W/Raze	0131	1242	Concept
8/13/04	3315 Cady's Alley, NW	0057	1184	Revision Rest
	1400 34 th Street, NW	0800	1246	Concept
	3338 Dent Pl., NW	0247	1278	Windows/SFD
8/19/04	2811 "M" Street, NW	0805	1212	Awning Rest
	3530 Ordway Street, NW	0009	1954	Brick Wall/SFD
	800 "D" Street, SE	0068	0924	Concept
8/20/04	641 "A" Street, SE	0114	0870	Concept

	925 N. Carolina Ave., SE	0013	0943	Concept
8/25/04	521 – 523 11 th Street, SE	0067	0973	Concept
8/26/04	1632 "S" Street, NW	0090	0178	Concept
	2314 Wyoming Ave., NW	0801	2521	Remove Garage/Add
	2411 Tracy Pl, NW	0003	2504	Concept
	612 "A" Street, NW	0098	0867	Concept
	1501 Farragut Street, NW	0001	2713	Door/SFD
	1813 Kenyon Street, NW	0055	2599	Concept
	1404 Swann Street, NW	0096	0206	Concept
	1402 Swann Street, NW	0097	0206	Concept
	511 "U" Street, NW	0807	3079	Add/SFD
	1900 11 th Street, NW	0001	0305	Concept
8/27/04	709 "D" Street, NW	0003	0431	Concept
8/30/04	1638 32 nd Street, NW	0859	1280	Fence SFD
	6919 6 th Street, NW	0019	3194	Raze Garage
9/1/04	1001 Pennsylvania Ave., NW	0021	0348	Sign Retail
9/9/04	3224 "N" Street, NW	0833	1218	Revision School
9/10/04	1201 Pennsylvania Ave., NW	0037	0291	Rest
	1000 Jefferson St., NW	0078	1190	Sign Offices
	2246 Cathedral Ave., NW	0048	2206	Add SFD
	1400 34 th Street, NW	0800	1246	Façade SFD
	3618 Prospect Street, NW	0057	1202	Concept

9/13/04	3344 "P" Street, NW	0825	1245	Fence SFD
	3226 "N" Street, NW	0832	1218	Trellis SFD
	2422 - 30 "K" Street, NW	0169 0828	0028	Sub Division
9/14/04	1665 Wisconsin Ave., NW	0827	1280	Concept
9/16/04	1406 35 th Street, NW	0832	1247	Concept
	3224 "N" Street, NW	0833	1218	Deck Siding/SFD
	3134 "Q" Street, NW	0056	1270	Fence Ret Wall/SFD
	3333 "M" Street, NW	0076	1205	Sign Office
	3111 "M" Street, NW	0803	1208	Concept
	3040 "M" Street, NW	0825	1198	Sign Retail
	2908 "N" Street, NW	0019	1211	Shed Pool/SFD
9/17/04	1520 26 th Street, NW	0082	1265	Step/SFD
	2816 "O" Street, NW	0848	1240	Ret Wall
	3035 "Q" Street, NW	0271	1282	Chimney Apt.
	1325 Pennsylvania Ave., NW	0840	0254	Covered w/way
	1529 18 th Street, NW/Rear	0358	0156	Concept
9/20/04	1417 28 th Street, NW	0811	1261	Revision

**Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration**

NOTICE OF PUBLIC INTEREST

Forwarded for your information is the weekly listing of raze permit applications filed with the Permit Service Center of the Building and Land Regulation Administration, requesting a permit to raze the following listed structures:

Application Date	Address	Lot	Square	Use
7/22/04	1618 11 th Street, NW	0815 0817	0309	1-Story Church w/2-story Add
8/6/04	2117 & 2119 14 th St.,	0805	0306	2-Story apt. w/garage
	900 9 th St., NW			
8/13/04	1108-1118 2 nd Street, SE	0018	0769	2-Story Apt. 3
	1109-1117 3 rd Street, SE	0020	0769	2-Story Apt. 3
	908-912 4 th Street, SE	0038	0824	2-Story Apt. 3
	1100-1108 4 th Street, SE	0030	825S	3-Story Apts.
	415 "K" Street, NE & 1001 5 th Street, SE	0049	0825	3-Story Apts.
	1101-1109 5 th Street, SE	0032	825S	3-Story Apts.
	901 5 th Street 413 - 409 Eye Street, SE	0039	0824	2-Story Apts.
	201-215 "L" Street, SE	0019	0769	2 Story Apts.
	400-419 "K" Street, SE	0037	0824	3 Story Apts.
	400-402 "L" & 1000 - 04 4 th 409 "K" Street, SE	0048	0825	3 Story Apts.
	407-411 "L" Street, SE	0031	825S	
8/17/04	5420 Sherrier Pl., NW	0081	1443	2 Story SFD
	1307 Clifton Street, NW	0070	2866	3 Story SFD

	5414-5418 1 st PI, NW	0858	3393	2 Story Apts.
8/30/04	200 "F" Street, SE	0017		1 Story Bldg.
	2112 11 th Street, NW	0809	0303	1 Story Auto Repair
8/31/04	1308 Potomac Ave., SE	0137	1045	2 Story SFD
	1310 Potomac Ave., SE	0137	1045	2 Story SFD
	1312 Potomac Ave., SE	0135	1045	2 Story SFD
	1314 Potomac Ave., SE	0134	1045	2 Story SFD
9/2/04	4400 Mass Ave., NW	0001	1600	1 Story Office
9/13/04	471 New York Ave., NW	0852	0514	2 Story Retail
	900 11 th Street, NW	0800	0317	1 Story 6mm
	902 11 th Street, NW	0800	0317	1 Story 6mm
	908-910 11 th Street, NW	0823	0317	1 Story Retail
	912 11 th Street, NW	0019	0317	2 Story Office Bldg.
9/17/04	4526 Lowell Street, NW	0819	1608	2 Story SFD
	1136 47 th Street, NW	0137	5155	2 Story SFD
	1625 Benning Road, NE	0063	4510	2 Story SFD
	1113 Eye Street, NW	0804	0317	1 Story Comm Bldg.
	914 11 th Street, NW	0018	0317	3 Story Comm Bldg.
	915 12 th Street, NW	0018	0317	2 Story Retail

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC INTEREST
REQUEST FOR COMMENTS ON STATE PLAN

The Director of the Department of Human Services (DHS) hereby gives notice regarding the District of Columbia State Plan for Administration of the Block Grant for Temporary Assistance for Needy Families (TANF). The District of Columbia (District) uses federal TANF funds to operate a cash assistance program for families with children known to the District's TANF program. The local legal authority for this program is the District of Columbia Public Assistance Act of 1982 (D.C. Law 4-1101; D.C. Official Code § 4-201.01 *et seq.*), as amended by D.C. Law 12-241, effective April 20, 1999. The effective date for this plan is October 1, 2004. This program provides cash assistance to needy families with children throughout the District of Columbia and requires non-exempt adult recipients not already employed in unsubsidized employment to participate in work activities. (Teen parents meet the work participation requirement by attending school.) Non-exempt TANF applicants are also required to participate in job search and job readiness activities.

Applicants job search and job readiness activities are operated by DHS. While some recipients participating in work activities participate in DHS-run programs, most recipients are assigned to private non-profit or for-profit entities (referred to in this document as "vendors") that have received contracts from the District government to operate work programs. Some recipients are also permitted to participate in self-initiated work-related activities.

The following applicants and recipients are exempt under District law from participation in work-related activities:

- a minor who is not the head of an assistance unit;
- a single custodial parent or caretaker who personally provides care for a child under six years of age, who cannot obtain needed appropriate childcare because it is unaffordable or not within reasonable distance of parent or caretaker's home or work activity;
- a single custodial parent with a child under 12 months of age;
- a recipient 60 years old or older;
- a parent or caretaker in a two-parent or caretaker household who is not a primary wage earner (if the household is eligible for TANF because of primary wage earner's unemployment) and who is personally taking care of a child under six years of age, if the parent or caretaker cannot obtain needed childcare because it is unaffordable or not within reasonable distance of parent or caretaker's home;

- a person who is ill, injured or incapacitated as determined by competent medical evidence (if the illness, injury or incapacity is expected to last longer than four weeks, the individual should be considered for an exemption);
- a person who is needed at home because another household member requires the individual's presence due to illness or injury;
- a woman who is verifiably expected to deliver within four months;
- a person in a one-parent household who is working for an average of 30 hours per week;
- persons in a two-parent household who are working for a combined total average of at least 35 hours per week; or persons in a two-parent household where the family receives federally-funded child care and no parent in the family is disabled, or caring for a child with a disability, who are working a combined total of at least 55 hours per week;
- a full-time VISTA or Americorps volunteer; and
- a person who is granted a domestic violence waiver because accepting the work requirement would put the applicant/recipient at further risk of violence.

Any applicant/recipient who is exempt from work participation may voluntarily participate. If he or she volunteers and then fails to participate without good cause and for a reason unrelated to his/her qualification for an exemption, the individual is subject to sanction.

In addition to funding basic cash assistance and work-related programs for TANF recipients, the District uses or intends to use federal TANF funds for the following activities:

- *Adult Basic Education* – The District uses or intends to use TANF funds to provide grants to entities that provide adult basic education services to low-income parents, including both TANF and non-TANF recipients. The District intends to provide funding for four different types of adult basic education programs: (1) programs that link adult education and vocational education training (2) programs that provide fast-track GED classes to individuals capable of preparing for and passing the GED exam in 10 weeks or less (3) English as a Second Language programs and (4) family literacy programs.
- *Teen Pregnancy Prevention* – The District uses or intends to use TANF funds to support grants to support teen pregnancy prevention programs. These programs focus on girls and boys in 5th through 8th grades.
- *Preventing Repeat Pregnancies* – The District uses or intends to use TANF funds to pay for an intensive intervention program for low-income minor parents

including both TANF and non-TANF recipients to reduce the incidence of second births to low-income teens.

- *Domestic Violence Services* – TANF funds are used or may be used to provide a grant(s) to a domestic service provider or providers. The grantee(s) provides counseling and other services to TANF applicants and recipients who indicate they have a history of domestic violence. These service providers assess the TANF applicant/recipient(s) and develop a plan of service with the individuals.
- *Wraparound Family Services* - The District uses or intends to use TANF funds to provide services to address short term crises as well as long-term family issues that lead to long-term welfare dependency and inhibit self-sufficiency. The services will address the needs of the hardest to serve, target the well-being of the family unit, and serve to supplement financial and employment assistance.
- *Family Emergency Services* – The District uses or intends to use TANF funds to provide services to families who are homeless or at risk of homelessness. Funds may be used for program enhancements including the provision of shelter and case management services for families in D.C. shelters and/or in support of energy assistance to families to help avoid homelessness.
- *Fatherhood Initiative* – The District uses or intends to use TANF funds as one of a complement of funding sources to provide a continuum of supportive services to fathers of children in low-income families. Specifically, TANF funds support life skills education, group peer instruction, mediation services, counseling, and instruction on effective parenting. Services may include those to assist ex-offenders with their re-entry transition.
- *Tuition Assistance Program Initiative for TANF (TAPIT)* – TANF funds are used or may be used to provide tuition assistance for TANF recipients pursuing post-secondary education. TAPIT participants generally combine school attendance with employment-related activities such as a work-study program. TAPIT is the funding source of last resort and recipients receive assistance pursuing alternative funding sources including Pell Grants and District supported tuition assistance.
- *Diversion Payment Program* – TANF applicants may qualify for diversion assistance in lieu of receiving on-going TANF assistance. Applicants who face a short-term financial need and who indicate that employment could be found quickly if the short-term financial need is met are eligible for the Diversion Payment Program. Diversion payments can pay for items such as auto insurance or car repair, rent and utilities, work clothes, and professional licenses or fees.
- *Transfers to CCDF and SSBG* – The District intends to utilize its full transfer authority to the CCDF and SSBG block grants. The funds transferred to CCDF will fund child care services to low-income working families that have expanded

significantly in recent years. The funds will also help improve provider-reimbursement rates. The funds transferred to SSBG fund homeless programs for families with children.

- *Child Care* – The District plans to use TANF funds in excess of the transfer authority to fund child care subsidies and/or other child care-related activities including quality enhancements.
- *Family Preservation Services* – The District uses or may use TANF funds to provide family preservation-related services to low-income families with children. These services may include short-term out-of-home placements when a child is removed due to a family crisis. Such services may not be supported for more than 180 days and must be provided in conjunction with an assessment or services geared toward family reunification.
- *Services to Teens in Foster Care* – The District of Columbia uses or may use TANF funds to provide an array of services to teens transitioning from foster care to independence. By assisting the teens make successful transitions and prepare for employment, these services will support the goal of reducing out-of-wedlock childbearing among this group.
- *Services for Teen Parents in Foster Care* – The District uses or may use TANF funds to provide services to parenting teens who live in foster care with their children to foster good parenting skills and self-sufficiency.
- *Community "Mini-Grants"* – The District uses or may use TANF funds to provide small grants (typically less than \$40,000) to community based organizations who are providing services to needy families with children. The grantees will be organizations with overall budgets of less than \$150,000.
- *Children's Services* – The District uses or may use TANF funds to support the Children and Youth Investment Trust Corporation, a non-profit organization established to identify unmet needs among the District's children and youth and to provide grants to community entities to meet those needs. Grants utilize a variety of population and neighborhood specific approaches designed to strengthen families and prevent and reduce out-of-wedlock births.
- *Home Visiting Services* – TANF funds are used or may be used to fund community-based grantees that conduct home visits with sanctioned and long-term TANF recipients. Home visitors conduct an in-depth assessment of customers' needs and barriers and assist the customers in reconnecting with, or fully engaging in, work-related activities. Home visitors also make referrals to a wide array of supportive services to address identified barriers.

When implementing the Block Grant for Temporary Assistance for Needy Families (TANF), the District will defer to any existing TANF provisions or subsequent changes in Federal law that may conflict with District law and regulations. It is not the intent of the District that any provisions of its TANF plan be construed as an entitlement. This plan will be amended, as necessary, to reflect future program changes required after the opportunity for further consideration by the Mayor and the Council of the District of Columbia.

SECTION 1. GENERAL PROVISIONS

- (1) *Provide Assistance to Needy Families:* The District will use TANF funds to administer a cash assistance program for needy families with children. The eligibility rules, benefit levels, and work participation requirements and exemptions will be the same throughout the District of Columbia. In addition to providing cash assistance to needy families, the program will also provide job preparation, work, and support services to enable families to leave the program and become self-sufficient.
- (2) *Require Work after 24 Months:* The program will require non-exempt parents or caretakers receiving assistance to engage in work (as defined by the District) once the District determines the parent or caretaker is ready to engage in work, or once the parent or caretaker has received assistance under the program for 24 months (whether or not consecutive), whichever is earlier. Non-exempt recipients are referred to work programs, generally operated by vendors. Most non-exempt recipients are referred to work programs shortly after application approval and far before two years of benefit receipt (since TANF implementation). Exemption categories are listed above. Individuals who meet the exemption criteria will be deemed to be meeting the 24 month work requirement by caring for their families.
- (3) *Section 407 Work Requirements:* Parents and caretakers receiving assistance under the program shall be engaged in work activities in accordance with Section 407 of the Personal Responsibility and Work Opportunity Reconciliation Act. This will be achieved by requiring non-exempt (exemptions are based on District law and regulations) recipients to participate in employment-related programs such as those run by our vendors.
- (4) *Confidentiality:* Reasonable steps shall be taken to restrict the use and disclosure of information about individuals and families receiving assistance under the program attributable to funds provided by the federal government. The District maintains a strict confidentiality policy that holds that information about TANF applicants or recipients may not be disclosed to third parties, without the consent of the applicant or recipient, except in specific cases, such as: information reported to the Child and Family Services Agency or law enforcement related to child abuse or neglect, information provided to law enforcement authorities when DHS has knowledge of the commission of a crime or when law enforcement requests information needed for criminal investigations or proceedings; and information reported to the Child Support Enforcement Division for the purposes of establishing paternity and collecting child support.

- (5) *Out-of-Wedlock Pregnancies:* IMA uses TANF funds to administer a wide range of teen pregnancy prevention efforts through partnerships with other government agencies and community-based organizations. The District's numeric goal for the reduction in the illegitimacy ratio is one percent for each fiscal year between 1996 and 2006. These efforts have contributed to the District's success in reducing out-of-wedlock births. Our success has been recognized by the U.S. Department of Health and Human Services through the award of six out-of-wedlock birth reduction bonuses. The District received its sixth award of \$25 million in September 2004, making the District the only jurisdiction to receive the bonus in all six years it has been awarded.
- (6) *Statutory Rape:* IMA will disseminate information and materials about the issue of statutory rape to teen pregnancy prevention grantees through regular grantee meetings. In attendance at the meeting will be our teen pregnancy prevention partners, as well as invited officials from the appropriate law enforcement agencies. These efforts will ensure that teen pregnancy prevention programs as well as social service providers, educators, and law enforcement officials who come in contact with teens and teen parents understand the legal issues surrounding statutory rape, what can be done to deter statutory rape, and the steps that shall be taken if they suspect statutory rape. The intent of this information is to facilitate the on-going inclusion of men and boys in the District's teen pregnancy prevention efforts.

SECTION 2. SPECIAL PROVISIONS

- (1) *Treatment of New Entrants to the District of Columbia:* The District does not treat new entrants to the District of Columbia differently from other District residents.
- (2) *Treatment of Immigrants:* The District provides assistance to all qualified immigrants except those who entered on or after August 22, 1996 who have not been in the country and are not exempted from this five-year limitation by federal law.
- (3) *Fair and Equitable Treatment:* While District law does not provide an entitlement to TANF-funded assistance, the TANF cash assistance programs provide equal treatment for all applicants/recipients. That is, families in similar situations are treated similarly.

The following are the basic TANF cash assistance program parameters:

- *Benefit Calculation:* For applicants, the District disregards the first \$160 of earnings for work expenses. Out-of-pocket dependent care costs are also deducted up to a maximum of \$200 per child under two years of age, or \$175 per child two years of age or older. If the applicant's remaining countable income exceeds the District's payment level, the applicant is ineligible for benefits. When determining the eligibility of on-going recipients and the level of benefits to which a family is eligible, a \$160 work expense deduction is applied and then an

additional 2/3 of remaining earned income is deducted to compute countable earned income. Dependent care deductions also apply. A family is eligible for benefits equal to the difference between a family's countable income (comprised of countable earned and unearned income) and the payment standard.

The District has conformed its asset and resource limit to those utilized under the Food Stamp program. The District will disregard the entire value of all vehicles owned by or registered to the TANF applicant/recipient's household.

Customers must generally report all changes in circumstances within 10 days of the change. TANF customers with earned income are required to report changes in income every six months.

- *Work Requirements:* Non-exempt recipients are required to participate in work activities. (Exemption criteria as noted above.) Failing to participate in work activities without good cause leads to a pro-rata reduction in the family's TANF grant. Non-exempt recipients are required to develop and sign an Individual Responsibility Plan (Plan). The Plan may establish employment goals, outline the steps the recipient must take to achieve those goals -- including the work activities the recipient must participate in -- and describe the services the District will provide to assist the individual to attain self-sufficiency. The Plan is generally developed when a non-exempt recipient has been referred to a work program. Non-exempt applicants are required to participate in job search and preparation activities. Failure to participate in these activities may lead to sanction.

The District does not require an individual who is a single custodial parent caring for a child who has not attained 12 months of age to engage in work. For not more than 12 months, the District disregards the single custodial parent exempt from work due to caring for a child under the age of 12 months in determining the participation rates for work requirements.

- *Child Support Requirement:* TANF recipients must assign their child support rights to the District and must cooperate with child support requirements. Failure to cooperate with child support requirements, without good cause, leads to a 25% reduction in the family's TANF grant. TANF applicants and recipients are informed of their right to claim good cause and the circumstances which would constitute good cause for failing to cooperate with child support requirements by both the TANF and child support agency. The child support agency makes the determination of whether good cause exists for failing to cooperate with child support requirements.
- *Time Limit:* District law limits the number of months assistance groups that include an adult who received assistance as the head of household or the spouse of the head of household can receive federally funded TANF assistance. Such groups are limited to 60 months of federal TANF receipt. The District intends to

exempt from the 60-month limitation on the receipt of federally-funded TANF assistance families who demonstrate hardship circumstances but will not exempt more families than 20 percent of the average monthly number of families to whom assistance is provided.

- *Minor Child Absent from the Home:* The District continues cash assistance for a child absent from the home, but resident in the District of Columbia, for no more than 90 consecutive days.
- *Application Time-frames:* TANF applications must be approved or denied within 45 days of the date of application or within 15 days of the date a 30-day notice was sent which informed the applicant of the need to provide additional information to verify eligibility factors.
- *Notices of Adverse Action:* Prior to any adverse action being imposed – including a sanction, case closure, or benefit reduction – a notice of adverse action must be sent to the recipient. The notice must meet the adequate and timely standard. To be adequate, the notice must describe the action to be taken, the reason for the action, and the right to appeal the action. The notice must also include a statement of the legal authority for the action. To be “timely” the notice must be sent at least 15 days prior to the effective date of the adverse action.
- *Administrative Review and Fair Hearing Rights:* TANF applicants/recipients who disagree with a proposed action taken can request an administrative review and/or a fair hearing. An administrative review is an informal process whereby DHS and the applicant/recipient attempt to resolve the issue. Individuals requesting administrative reviews may proceed to a fair hearing if they are not satisfied with the outcome of the administrative review. Recipients who request a fair hearing prior to the effective date of the adverse action may request that assistance continue at current levels pending the outcome of the fair hearing. A fair hearing can be requested after the effective date of the adverse action, but assistance cannot be continued pending the fair hearing decision.
- *Complaints:* Customers with complaints about service received by DHS may register those complaints with the Customer Service Department, the Office of Administrative Review, or the Income Maintenance Administrator's Office.
- *Two-Month Community Service Requirement:* The District intends to opt out of the option to require a parent or caretaker receiving assistance under the program, who after receiving such assistance for two months is not exempt from the work requirements and is not engaged in work, to participate in community-service employment.

SECTION 3. CERTIFICATION THAT THE DISTRICT OF COLUMBIA WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM

The District certifies that during the fiscal year, the District will operate a child support enforcement program under the State Plan approved under part D.

SECTION 4. CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM

The District certifies that during the fiscal year, the District will operate a foster care and adoption assistance program under the State Plan approved under part E, and the District will take such actions as necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State Plan under Title XIX.

SECTION 5. CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE

The District certifies that during the fiscal year, the District will provide each member of an Indian tribe, who is domiciled in the District and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.

SECTION 6. CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM

The District certifies that the District's Department of Human Services is the District agency that will administer and supervise the program for the fiscal year.

The District also assures that the required 45-day comment period was allowed. On October 22, 2004, the draft TANF plan was published in the *D.C. Register* to allow for a 45-day comment period. The Department assures that comments were considered.

The Department assures that the District's TANF plan is available to the public upon request.

SECTION 7. CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE

The District certifies that the District has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the District program, kickbacks, and the use of political patronage.

SECTION 8. OPTIONAL CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE

The District certifies that the District will screen and identify individuals receiving assistance with a history of domestic violence while maintaining the confidentiality of such individuals. The District will refer such individuals to counseling and supportive services.

Individuals with a history of domestic violence may be exempted from work participation requirements and child support requirements. However, such individuals may choose to participate in work activities or pursue child support.

Explanation*Screening and Assessment*

DHS caseworkers use the Preliminary Assessment of Employability Form to screen all TANF applicants at initial application, and at any point during a customer's TANF receipt as necessary, for various barriers to employment and work participation, including domestic violence. If current, or a history of, domestic violence is identified, a written referral for additional screening/assessment services will be provided to the applicant/recipient who should comply with the instructions. If an entity that operates a TANF work program discovers that a recipient has a domestic violence issue and may need services, that entity may contact DHS and a referral to the domestic violence service providers will be made.

Should further screening/assessment confirm an initial finding of domestic violence, a plan of service will be developed in conjunction with the applicant/recipient. When developing the plan of service, the possibility of requesting a waiver of work requirements and/or child support cooperation requirements and the duration of such waivers will be discussed. Good cause waivers of work requirements are granted when work participation requirements would make it more difficult for the applicant/recipient to escape family violence.

Decisions on Domestic Violence Waivers

Decisions on granting or denying a domestic violence waiver of work requirements will be made within 15 business days of such a waiver request. During that time, if the applicant/recipient is

otherwise eligible for TANF, financial assistance shall not be delayed or denied. Since it may be necessary to waive work requirements to ensure the safety of the applicant/recipient, he or she will not be required to participate in work programs pending a decision on whether to grant a waiver.

When determining whether domestic violence occurred, the following evidence shall be used:

- police, government agency, or court records;
- documentation from a shelter, legal, clerical, medical, or other professional worker from whom the applicant/recipient has sought assistance;
- statements from other individuals with knowledge of the circumstances;
- physical evidence of domestic violence or any other evidence supporting the allegations; and
- in the absence of evidence as listed above, allegations that the victim makes under oath, including the applicant's petition for a Civil Protection Order, shall be sufficient to substantiate a claim.

If an applicant/recipient decides not to seek or declines services or a waiver of work requirements due to domestic violence, he or she will not be barred from seeking such services and waivers at a later date. An applicant/recipient may terminate an existing waiver at any time without penalty. No waiver will ever be implemented against the will of the applicant/recipient.

Once granted a waiver, any applicant/recipient who voluntarily chooses to participate in approved TANF activities shall be allowed to do so.

Child Support

At application and recertification, TANF customers are provided information about the good cause reasons for failing to cooperate with child support requirements which largely focus on domestic violence issues. This information is also provided directly by the Child Support Enforcement Division. Applicants/recipients can indicate to their TANF caseworker their intent to claim good cause for failing to cooperate with child support requirements that will alert the child support agency that the individual wishes to claim good cause. The applicant/recipient can also indicate intent to claim good cause with the child support agency directly. Ultimately, the Child Support Enforcement Division makes good cause determinations related to child support requirements.

Time Limits

A history of domestic violence as well as current domestic violence involvement will be considered when determining exemptions to the 60-month time limit.

SECTION 9. NON-DISCRIMINATION ASSURANCES

The District assures that the following provisions of law will apply to programs and activities funded under TANF:

The Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*)

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*)

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*)

District of Columbia Human Rights Act (D.C. Official Code §2-1401.01 *et seq.*)

ADDITIONAL INFORMATION

- (1) The District intends to use matches with quarterly Unemployment Insurance (UI) wage records and surveys of administrative records to produce statistically valid estimates of the performance of State programs funded under this part.
- (2) The District may administer and provide services through contracts with charitable, religious, or public and private organizations, and may provide beneficiaries of the services with vouchers, certificates, or forms of disbursement which are redeemable with such organizations, or used as a means of providing assistance.
- (3) The District has chosen not to adopt the following:
 - the option to deny assistance to individuals convicted (under federal or District law) of any offense which is classified as a felony by the law of the jurisdiction and which has as an element the possession, use, or distribution of a controlled substance (DC Official Code §4-205.71 April 20, 1999);
 - the option to require a parent or caretaker receiving assistance under the program who, after receiving such assistance for two months is not exempt from work requirements and is not engaged in work, to participate in community service employment;

- the option to use the grant to establish an individual development account by or on behalf of an individual eligible for assistance under the State program funded by this part for the purpose of enabling the individual to accumulate funds from earnings for post-secondary education, business capital, or first home purchase;
- the option to sanction a family that includes an adult who is older than 20 years of age or younger than 51 years of age if such adult does not have, or is not working toward attaining, a secondary school diploma or its recognized equivalent unless certain exceptions are met;
- the option to deny good cause reasons for a minor to be absent from the home for longer than 180 consecutive days; and
- the option to test recipients of assistance for use of controlled substances or sanction recipients who test positive for controlled substances.

(4) *Income and Resource Standards of TANF-Funded Programs*

- TANF Cash Assistance Program/Diversion Payment Program

(Note: Domestic Violence services, TAPIT, and home visiting services- are funded with TANF and are only available to TANF recipients. Diversion assistance is only available to individuals otherwise eligible for TANF cash assistance.)

Net Income must be less than Payment Standard. Countable Resources must be less than Food Stamp Resource Limit.

Group Size	Payment Levels (effective January 1, 1999)
1	\$239
2	298
3	379
4	463
5	533
6	627
7	719
8	795
9	874

Group Size	Payment Levels (effective January 1, 1999)
10	950
11	1,002
12	1,482
13	1,126
14	1,187
15	1,232
16	1,294
17	1,416
18	1,452
19	1,482

- ABE Program

Gross Income must be below 200% of the Federal Poverty Level. No Resource Limit.

- Child Care

For the child care subsidy program, income must be below 300% of the Federal Poverty Level. No Resource Limit.

- Family Preservation Services

Gross income must be below 200% of the Federal Poverty Level. No Resource Limit.

- Services to Teens in Foster Care

No income or resource test is required.

- Services for Teen Parents in Foster Care

Gross income must be below 200% of the Federal Poverty Level. No Resource Limit.

- Community "Mini Grants"

These programs do not provide assistance directly to low-income families. Grantees were required to use the funds to assist families with children with incomes below 200% of the Federal Poverty Level.

- Fatherhood Initiative

Gross income must be below 300% of the Federal Poverty Level. No Resource Limit.

- Family Emergency Services

Gross income must be below 300% of the Federal Poverty Level. No Resource Limit.

- Wraparound Family Services

Gross income must be below 300% of the Federal Poverty Level. No Resource Limit.

- Children's Services

Some of the programs funded by the Children and Youth Investment Trust Corporation (Corporation) will be for a purpose that falls within Section 401(a)(3) or Section 401(a)(4) of the Social Security Act. In these cases, no income test is required. For programs funded by the Corporation that do not fall within these purposes, the program must serve children, youth or families (with children) whose incomes are below 300% of the Federal Poverty Level.

- Preventing Repeat Pregnancies/Teen Pregnancy Prevention

These programs are not required to include a means test because they meet the third purpose of the TANF statute ("prevent and reduce the incidence of out-of-wedlock pregnancies...."). However, programs are designed to serve low-income families, that is families with incomes below 200% of the federal poverty level.

(5) *Income and Resource Standards of MOE-Funded Programs*

- The Program on Work, Employment and Responsibility (POWER) is a wholly MOE-funded District program which provides cash assistance and appropriate treatment or rehabilitative services to parents who have physical or mental incapacities or substance abuse problems. The POWER program uses the same income and resource standards as the District's standard TANF cash assistance program.

To be eligible for POWER, a TANF applicant or recipient must submit a medical evaluation form to the District's Medical Review Team (MRT). The MRT determines whether the parent has a physical or mental incapacity, substance abuse problem, or learning disability that would severely limit the individual's ability to participate in standard TANF work activities or employment. If a parent meets the criteria, the family will receive POWER benefits and no longer receive TANF. If the parent has a substance abuse problem, he or she will be referred to the Addiction Prevention and Recovery Administration (APRA). If the parent has a physical or mental incapacity or learning disability, he or she will be referred to the Rehabilitation Services Administration (RSA). Either APRA or RSA will formulate a services/treatment plan for the POWER recipient. Failure to comply with the plan result in the POWER case being closed and the family being reverted to the TANF program.

APRA and RSA receive MOE funds to provide services to POWER participants.

- Maintenance of effort funds are used to provide child care subsidies to low-income District children whose parents are working or participating in employment-related programs. These funds are used to provide subsidies to low-income working families and support quality enhancement initiatives. For the child care subsidy program, income must be below 300% of the Federal Poverty Level.
- MOE funds are used to support employment services for TANF recipients.
- MOE funds are commingled with Federal TANF funds to fund basic cash assistance to families in the TANF program.
- MOE funds are used to finance some administrative and systems costs associated with the TANF program.

CERTIFICATION BY THE MAYOR OF
THE DISTRICT OF COLUMBIA
IN SUPPORT OF THE TANF DISTRICT OF COLUMBIA
STATE PLAN

The District of Columbia will operate a program to provide Temporary Assistance for Needy Families (TANF) so that the children may be cared for in their own homes or in homes of relatives or caregivers and to end dependence of needy able-bodied adults on government benefits by promoting job preparation, work, and self-sufficiency.

The plan includes all required assurances and provisions to be implemented by the District of Columbia Department of Human Services. The named District Government agency has been given the authority to administer and supervise the activities referenced in the state plan.

I hereby approve this TANF State Plan for the District of Columbia and submittal of this plan to the Secretary of the U.S. Department of Health and Human Services.

_____ Date	Signed: _____ Anthony A. Williams Mayor
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Written comments on the State Plan should be sent to Kate Jesberg, Administrator, Income Maintenance Administration, 645 H Street, N.E., 5th Floor, Washington, D.C. 20002, no later than forty-five (45) days from the date of this publication in the *D.C. Register*. Copies of the Plan may be obtained from the above address.

D.C. OFFICE OF PERSONNEL

**NOTICE CONCERNING COVERAGE UNDER THE
PERFORMANCE MANAGEMENT PROGRAM IN THE
OFFICE OF CITIZEN COMPLAINT REVIEW**

Sections 1351 through 1353 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-613.51 *et seq.*) (2001), established a comprehensive performance management system for the District government. Chapter 14 of the *D.C. Personnel Regulations*, Performance Management, implements the guidelines and procedures for the Performance Management Program pursuant to sections 1351 through 1353 of the CMPA.

The majority of non-unionized, non-managerial and non-supervisory Career Service employees in agencies under the personnel authority of the Mayor are not currently covered under the Performance Management Program. However, section 1400.1 (e) of Chapter 14 of the regulations provides that the Director of Personnel may, on an agency-by-agency basis, authorize coverage under the Performance Management Program for this category of employees.

Further, section 1400.2 of the regulations provides that, upon authorizing an agency for coverage pursuant to section 1400.1 (e) of the regulations, the Director of Personnel shall publish such authorization in the *D.C. Register*.

Accordingly, the purpose of this notice is to announce that on August 4, 2004, Rosalind R. Inge, Interim Director of Personnel, authorized coverage under the Performance Management Program for:

All non-unionized, non-managerial and non-supervisory Career Service employees in the Office of Citizen Complaint Review.

Coverage for these employees began on **October 1, 2004**.

**DISTRICT OF COLUMBIA
POLICE TRAINING AND STANDARDS BOARD**

NOTICE OF PUBLIC MEETING

The District of Columbia Police Training and Standards Board will hold an open meeting on Monday, December 6, 2004. The meeting will begin at 5:00 p.m. and end no later than 7:00 p.m. The meeting will be held at 441 4th Street, Northwest, Washington, D.C. Room #1117. You must present picture identification to enter the building.

Copies of the materials to be voted on by the Board at the meeting may be obtained in advance through Wednesday, December 1, 2004, at 5:00 p.m. Written comments on the materials may be submitted to the Board in advance of the meeting through Wednesday, November 10, 2004. Written comments received via e-mail or postmarked after November 10, 2004 will not be accepted.

Anyone interested in the work of the District of Columbia Police Training and Standards Board may attend the meeting. Citizens may make oral comments during a thirty-minute comment period at the end of the meeting. The comments will be limited to three minutes. Anyone interested in making oral comments must sign up in advance. Slots will be allotted on a "first come-first served" basis.

Anyone interested in obtaining written materials or participating in the open comments portion of the meeting may contact:

Ms. Sharon Barbour on (202) 727-1516 or Sharon.Barbour@dc.gov

Written comments may be mailed to:

District of Columbia Police Training and Standards Board
300 Indiana Avenue, Northwest
Washington, D.C. 20001 Room 5031
Attn: Lieutenant George Caldwell

Or E-Mailed to:
George.Caldwell@dc.gov

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICER
OFFICE OF TAX AND REVENUE (OTR)

NOTICE REGARDING ELECTRONIC FILING REQUIREMENTS

**Requirement to File Certain Yearly Corporation Franchise and Unincorporated Franchise Tax Returns and
To Make Corporation Franchise and Unincorporated Franchise Tax Payments Electronically**

Pursuant to Section 47-4402(c) of the D.C. Official Code, the Office of Tax and Revenue (OTR) has published regulations that require certain business taxpayers to file and pay taxes electronically if the amount of the payment due for a tax period exceeds \$25,000. See *DC Register*, April 11, 2003. The District has set a goal to increase the amount of electronic filing and payment of taxes. This effort commenced with monthly Employer Withholding tax returns due for June 2003, followed by Sales and Use Tax returns due March 20, 2004. Beginning with Corporation Franchise returns due March 15, 2005 and Unincorporated Franchise returns due April 15, 2005, electronic filing and payment will be required for all taxpayers filing *yearly (whether fiscal or calendar year) Corporation or Unincorporated Franchise tax returns*, where the payment due for a filing period exceeds **\$25,000**. This requirement applies to those business taxpayers, whether located in the District or outside the District:

OTR will identify current taxpayers that meet the criteria to file and pay electronically: i.e. business taxpayers of yearly Corporation Franchise tax and Unincorporated Franchise tax returns whose yearly tax liability regularly exceeds \$25,000. These designated taxpayers will be sent a letter to notify them of the electronic filing requirement. The OTR Letter will include the steps to be followed by the taxpayer (or the taxpayer's representative) to register for electronic filing and payment of Corporation or Unincorporated Franchise taxes. Within 30 days of the due date of these returns, those designated taxpayers will be asked to begin making their Corporation Franchise and Unincorporated Franchise payments by one of two methods: ACH Credit or ACH debit.

ACH Credit payments must be transmitted in accordance with specifications contained in the "ACH Credit Guide" posted at http://www.taxpayerservicecenter.com/ACHCredit_Information.pdf. Taxpayers who choose to pay their Corporation Franchise or Unincorporated Franchise taxes by **ACH Debit** should first register for Electronic Taxpayer Service Center (eTSC) access with OTR by mailing or faxing the eTSC registration form that can be downloaded from <http://www.taxpayerservicecenter.com/GetStarted.jsp>. After eTSC registration, a *User ID* and *Password* will allow taxpayers 24-hour access to the eTSC web site to view their accounts.

The regulations also establish penalties for the failure to file and pay electronically. These penalties will apply where the taxpayer has been notified in writing to comply with the new electronic filing requirement and has failed to do so. See 9 DCMR 105.

If you have technical questions regarding this requirement or electronic access, please contact Sonja Thornburg, E-Commerce Manager, OTR-ISA, and (202) 442-6392. If you have a legal question regarding this requirement, contact William Bowie, Attorney-Advisor, OTR-OGC, and (202) 442-6512.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17202 of First Washington Equities, LLC, pursuant to 11 DCMR § 3103.2 for a variance to establish an all-day commuter parking lot for eight (8) parking spaces under subsection 1702.7(c) in the DD/C-2-C District at premises 1017 4th Street, N.W. (Square 526, Lot 808).

HEARING DATE: September 14, 2004

DECISION DATE: September 14, 2004 (Bench Decision)

SUMMARY ORDER

Self-Certification

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR §3113.2.

The Application

This application was submitted by First Washington Equities, LLC. The property that is the subject of this application (the "Property") is located in the middle of the block that is bound by 4th Street, L Street, 3rd Street and K Street, N.W. The Property consists of only 2,552 square feet, is not paved or improved, and does not have alley access. The general area surrounding the Property consists of large vacant and underutilized properties and a few developed properties. A significant amount of loitering and prostitution occurs in the area surrounding the Property and on the property itself. The application requests variance relief¹ to establish an all-day commuter parking lot on the Property with eight (8) parking spaces in order to alleviate some of the parking constraints that currently exist in the surrounding area, and to provide more activity on the Property to prevent improper activities from occurring on the Property and in the surrounding area. The parking lot will be managed by a parking lot operator.

Notice of Public Hearing

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission ("ANC") 6C, the Office of Planning ("OP"), and the owners of property within 200 feet of the site. The Applicant posted placards on the Property regarding the application and public hearing and submitted an affidavit to the Board to this effect.

Requests for Party Status and Persons in Support/Opposition

¹ Parking lots that provide short-term parking spaces, all of which are leased to merchants or a park-and-shop organization, and a parking facility only for residents are permitted as a matter-of-right in the DD/C-2-C District pursuant to 11 DCMR §1702.7(a) and (b).

There were no requests for party status. There were no submissions to the record in support or opposition to this application.

ANC 6C

The site of this application is located within the jurisdiction of ANC 6C. ANC 6C is automatically a party to this case and filed a resolution in support of this application. The Board granted a waiver of 11 DCMR §3115.1 to allow the ANC resolution to be submitted into the record of this case less than seven (7) days prior to the public hearing.

Government Reports

The application was referred to OP and the District of Columbia Department of Transportation ("DDOT") for review and report. OP submitted a report recommending denial of the application. DDOT did not submit a report in this application.

DECISION

As directed by 11 DCMR §3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §3103.2. The Applicant presented that the requested variance relief is for a hybrid use/area variance.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §3103.2 and 1702.7(c), that there exists an exceptional or extraordinary situation or condition related to the Property that creates a practical difficulty and an undue hardship for the owner in complying with the Zoning Regulations. The Board also concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR §3101.6, the Board has determined to waive the requirement of 11 DCMR §3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITIONS**:

1. Approval shall be for a period of **FIVE (5) YEARS**.
2. The parking lot shall include eight (8) parking spaces, a rain garden, a parking lot operator kiosk, appropriate lighting, and the perimeter of the parking lot shall be enclosed with a chain link fence.

VOTE: 4-1-0 (John G. Parsons, Curtis L. Etherley, Jr., Ruthanne G. Miller, Geoffrey H. Griffis, to approve, and John A. Mann, II to deny)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this order.

FINAL DATE OF ORDER: OCT - 6 2004

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL

BZA APPLICATION NO. 17202

PAGE NO. 4

**FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY
BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT
TO THIS ORDER. RSN**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17207 of 1515 14th Street LLC, pursuant to 11 DCMR § 3104.1, for special exceptions to allow a roof structure not meeting the setback requirements under section 411, and the rear yard requirements under subsection 774.2, and pursuant to 11 DCMR § 3103.2, a variance from the roof structure height requirements under section 1902, and a variance from the residential recreation space requirements under section 773, to construct a mixed-use development containing art galleries, retail and apartment units in the Arts/C-3-A District at premises 1515 14th Street, N.W. (Square 241, Lots 114, 115, 116 and 841).

Note: The Board amended the application at the public hearing to include special exception relief from the rear yard requirements under section 774.2.

HEARING DATE: September 28, 2004

DECISION DATE: September 28, 2004 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 2F, and to owners of all property within 200 feet of the property that is the subject of this application. The application was also referred to the Office of Planning (OP). The OP submitted a report in support of the application. The subject property is located within the jurisdiction of ANC 2F. ANC 2F submitted a letter in support of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception pursuant to 11 DCMR §§ 3104.1, 411, and 774.2, and variances under 11 DCMR § 3103.2 from the strict application of the requirements of §§ 773 and 1902.

No party appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party. The Board closed the record at the conclusion of the hearing. Based upon the

record before the Board, and having given great weight to the Office of Planning and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proof pursuant to 11 DCMR § 3104.1, for a special exceptions under section 411 and 774.2, that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

The Board also concludes that the applicant has met its burden of proof under 11 DCMR §§ 3103.2, 773 and 1902, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 5-0-0 (Geoffrey H. Griffis, Carol J. Mitten, Ruthanne G. Miller, Curtis L. Etherly, Jr., and John A. Mann II to approve).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Order.

FINAL DATE OF ORDER: SEP 29 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17208 of Pablo Martinez, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear deck addition to an existing flat (two-family dwelling) under section 223, not meeting the lot occupancy (section 403), rear yard (section 404), and court area (section 406) requirements in the R-4 District at premises 1207 Clifton Street, N.W. (Square 2865, Lot 41).

HEARING DATE: September 28, 2004

DECISION DATE: September 28, 2004 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. ANC 1B submitted a letter in support of the application. The Office of Planning (OP) submitted a report in conditional support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under § 223. No parties appeared at the public hearing in opposition to this application. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

BZA APPLICATION NO. 17208

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Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITION**:

1. The area beneath the deck shall not be enclosed with solid walls and/or a garage door.

VOTE: **5-0-0** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller, John A. Mann II, and Carol J. Mitten to approve)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: SEP 29 2004

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS,

FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17212 of Harold Foster and Cheryl Tlam, pursuant to 11 DCMR § 3104.1, for a special exception to allow the construction of a one-story sunroom addition to an existing single-family detached dwelling under section 223, not meeting the rear yard requirements (section 404), in the R-1-B District at premises 4527 Q Street, N.W. (Square 1367, Lot 33).

HEARING DATE: September 28, 2004

DECISION DATE: September 28, 2004 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. ANC 3D submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under § 223. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

BZA APPLICATION NO. 17212

PAGE NO. 2

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: **5-0-0** (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly Jr., John A. Mann II, and Carol J. Mitten to approve)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: SEP 29 2004

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX

BZA APPLICATION NO. 17212**PAGE NO. 3**

DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17213 of Faye Brinkley, pursuant to 11 DCMR § 3103.2, for a variance from the lot area and lot width requirements under section 401, and a variance from the side yard requirements under section 405, to allow the construction of a new single-family detached dwelling in the R-1-B District at premises 1408 ½ Kearney Street, N.E. (Square 4011, Lot 816).

HEARING DATE: October 5, 2004

DECISION DATE: October 5, 2004 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 5A, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 5A. ANC 5A did not participate in the application. The OP submitted a report recommending approval of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 401 and 405, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of

BZA APPLICATION NO. 17213

PAGE NO. 2

fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: **5-0-0** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller, John A. Mann, II, and John G. Parsons to approve)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: **OCT - 7 2004**

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS,

BZA APPLICATION NO. 17213

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FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17216 of Serena Schorr, pursuant to 11 DCMR § 3104.1 and 1202.1, for a special exception to allow a rear addition to a single-family semi-detached dwelling under section 223, not meeting the lot occupancy (section 403), and side yard (section 405), requirements in the Capitol Interest Overlay/R-4 District at premises 408 East Capitol Street, N.E. (Square 816, Lot 825).

HEARING DATE: October 5, 2004

DECISION DATE: October 5, 2004 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. ANC 6C did not participate in the application. The Office of Planning (OP) submitted a report in support of the application. The Capitol Hill Restoration Society submitted a letter in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under § 223. No parties appeared at the public hearing in opposition to this application. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

BZA APPLICATION NO. 17216

PAGE NO. 2

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: **5-0-0** (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly Jr., John A. Mann II, and John G. Parsons to approve)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: **OCT - 7 2004**

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

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BZA APPLICATION NO. 17216**PAGE NO. 3**

DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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